

House File 2531

H-8664

1 Amend the Senate amendment, H-8640, to House File
2 2531, as amended, passed, and reprinted by the House,
3 as follows:

- 4 1. Page 57, after line 29 by inserting:
5 < _____. Page 46, after line 5 by inserting:

6 <DIVISION

7 OPEN RECORDS AND PUBLIC MEETINGS

8 Sec. _____. Section 8A.341, subsection 2, Code 2009,
9 is amended to read as follows:

10 2. If money is appropriated for this purpose, by
11 November 1 of each year supply a report which contains
12 the name, gender, county, or city of residence when
13 possible, official title, salary received during
14 the previous fiscal year, base salary as computed
15 on July 1 of the current fiscal year, and traveling
16 and subsistence expense of the personnel of each
17 of the departments, boards, and commissions of the
18 state government except personnel who receive an
19 annual salary of less than one thousand dollars. The
20 number of the personnel and the total amount received
21 by them shall be shown for each department in the
22 report. All employees who have drawn salaries, fees,
23 or expense allowances from more than one department
24 or subdivision shall be listed separately under the
25 proper departmental heading. On the request of the
26 director, the head of each department, board, or
27 commission shall furnish the data covering that agency.
28 The report shall be distributed upon request without
29 charge in an electronic medium to each caucus of the
30 general assembly, the legislative services agency, the
31 chief clerk of the house of representatives, and the
32 secretary of the senate. Copies of the report shall
33 be made available to other persons in an electronic
34 medium upon payment of a fee, which shall not exceed
35 the cost of providing the copy of the report. Sections
36 22.2 through ~~22.6~~ 22.5 apply to the report. All funds
37 from the sale of the report shall be deposited in the
38 printing revolving fund established in section 8A.345.

39 Sec. _____. Section 8E.202, subsection 1, unnumbered
40 paragraph 1, Code 2009, is amended to read as follows:

41 The department and each agency shall provide for the
42 widest possible dissemination of information between
43 agencies and the public relating to the enterprise
44 strategic plan and agency strategic plans, including
45 but not limited to internet access. This section does
46 not require the department or an agency to release
47 information which is classified as a confidential
48 record under this Code, ~~including but not limited to~~
49 ~~section 22.7.~~

50 Sec. _____. Section 8E.202, subsection 3, Code 2009,

1 is amended to read as follows:

2 3. A record which is confidential under this Code,
3 ~~including but not limited to section 22.7,~~ shall not be
4 released to the public under this section.

5 Sec. _____. Section 21.1, Code 2009, is amended by
6 striking the section and inserting in lieu thereof the
7 following:

8 **21.1 Intent — Declaration of Policy.**

9 1. The general assembly recognizes that open
10 government is a cornerstone to ensuring and protecting
11 the free exchange of information from government to the
12 people and it is therefore the intent of the general
13 assembly to do all of the following:

14 a. Provide access to governmental information as
15 an essential function of government and an integral
16 part of the routine duties of governmental officers and
17 employees.

18 b. Balance transparency in government with the need
19 to protect personal privacy.

20 c. Recognize barriers that may impede the public's
21 access to governmental information and participation in
22 governmental functions and remove those barriers.

23 d. Ensure and facilitate the public's right to
24 access and review governmental information.

25 2. Ambiguity in the construction or application of
26 this chapter should be resolved in favor of openness.

27 Sec. _____. Section 21.4, subsections 1 and 3, Code
28 2009, are amended to read as follows:

29 1. A Except as provided in subsection 3,
30 a governmental body, ~~except township trustees,~~ shall
31 give notice of the time, date, and place of each
32 meeting including a reconvened meeting of the
33 governmental body, and its the tentative agenda of
34 the meeting, in a manner reasonably calculated to
35 apprise the public of that information. Reasonable
36 notice shall include advising the news media who have
37 filed a request for notice with the governmental body
38 and posting the notice on a bulletin board or other
39 prominent place which is easily accessible to the
40 public and clearly designated for that purpose at the
41 principal office of the body holding the meeting, or
42 if no such office exists, at the building in which the
43 meeting is to be held.

44 3. Subsection 1 does not apply to any of the
45 following:

46 a. A meeting reconvened within four hours of the
47 start of its recess, where an announcement of the time,
48 date, and place of the reconvened meeting is made at
49 the original meeting in open session and recorded in
50 the minutes of the meeting and there is no change in

1 the agenda.

2 b. A meeting held by a formally constituted subunit
3 of a parent governmental body ~~may conduct a meeting~~
4 ~~without notice as required by this section~~ during a
5 lawful meeting of the parent governmental body, ~~or~~
6 during a recess in that meeting of up to four hours,
7 or a meeting of that subunit immediately following
8 ~~that the meeting of the parent governmental body,~~ if
9 the meeting of ~~the~~ that subunit is publicly announced
10 in open session at the parent meeting and the subject
11 of the meeting reasonably coincides with the subjects
12 discussed or acted upon by the parent governmental
13 body.

14 Sec. _____. Section 21.5, subsection 1, paragraph j,
15 Code Supplement 2009, is amended to read as follows:

16 j. To discuss the purchase of particular real
17 estate only where premature disclosure could be
18 reasonably expected to increase the price the
19 governmental body would have to pay for that property.
20 The minutes and the ~~tape~~ audio recording of a session
21 closed under this paragraph shall be available for
22 public examination when the transaction discussed is
23 completed.

24 Sec. _____. Section 21.5, subsection 4, Code
25 Supplement 2009, is amended to read as follows:

26 4. A governmental body shall keep detailed
27 minutes of all discussion, persons present, and
28 action occurring at a closed session, and shall also
29 ~~tape~~ audio record all of the closed session. The
30 detailed minutes and ~~tape~~ audio recording of a closed
31 session shall be sealed and shall not be public records
32 open to public inspection. However, upon order of
33 the court in an action to enforce this chapter, the
34 detailed minutes and ~~tape~~ audio recording shall be
35 unsealed and examined by the court in camera. The
36 court shall then determine what part, if any, of
37 the minutes should be disclosed to the party seeking
38 enforcement of this chapter for use in that enforcement
39 proceeding. In determining whether any portion of
40 the minutes or recording shall be disclosed to such
41 a party for this purpose, the court shall weigh
42 the prejudicial effects to the public interest of
43 the disclosure of any portion of the minutes or
44 recording in question, against its probative value as
45 evidence in an enforcement proceeding. After such a
46 determination, the court may permit inspection and
47 use of all or portions of the detailed minutes and
48 ~~tape~~ audio recording by the party seeking enforcement
49 of this chapter. A governmental body shall keep the
50 detailed minutes and ~~tape~~ audio recording of any closed

1 session for a period of at least one year from the date
2 of that meeting, except as otherwise required by law.

3 Sec. _____. Section 21.6, subsection 3, paragraph a,
4 Code 2009, is amended to read as follows:

5 a. Shall assess each member of the governmental
6 body who participated in its violation damages in the
7 amount of not more than five hundred dollars ~~nor~~ and
8 not less than one hundred dollars. However, if a
9 member of a governmental body knowingly participated
10 in such a violation, damages shall be in the amount of
11 not more than two thousand five hundred dollars and not
12 less than one thousand dollars. These damages shall
13 be paid by the court imposing it to the state of Iowa,
14 if the body in question is a state governmental body,
15 or to the local government involved if the body in
16 question is a local governmental body. A member of a
17 governmental body found to have violated this chapter
18 shall not be assessed such damages if that member
19 proves that the member did any of the following:

20 (1) Voted against the closed session.

21 (2) Had good reason to believe and in good faith
22 believed facts which, if true, would have indicated
23 compliance with all the requirements of this chapter.

24 (3) Reasonably relied upon a decision of a
25 court, ~~or~~ a formal opinion of the attorney general, or
26 the attorney for the governmental body, given in
27 writing, or as memorialized in the minutes of the
28 meeting at which an oral opinion was given, or an
29 advisory opinion of the attorney general or the
30 attorney for the governmental body, given in writing.

31 Sec. _____. Section 21.8, subsection 1, unnumbered
32 paragraph 1, Code 2009, is amended to read as follows:

33 A governmental body may conduct a meeting and
34 individual members of a governmental body may
35 participate in meetings of a governmental body by
36 electronic means only in circumstances where such a
37 meeting in person is impossible or impractical and
38 only if the governmental body complies with all of the
39 following:

40 Sec. _____. NEW SECTION. 22.0A Intent — declaration
41 of policy.

42 1. The general assembly recognizes that open
43 government is a cornerstone to ensuring and protecting
44 the free exchange of information from government to the
45 people and it is therefore the intent of the general
46 assembly to do all of the following:

47 a. Provide access to governmental information as
48 an essential function of government and an integral
49 part of the routine duties of government officers and
50 employees.

1 **b.** Balance transparency in government with the need
2 to protect personal privacy.

3 **c.** Recognize barriers that may impede the public's
4 access to governmental information and participation in
5 governmental functions and remove those barriers.

6 **d.** Ensure and facilitate the public's right to
7 access and review government information.

8 2. Ambiguity in the construction or application of
9 this chapter should be resolved in favor of openness.

10 Sec. _____. Section 22.2, subsection 1, Code 2009, is
11 amended to read as follows:

12 1. **a.** Every person shall have the right to examine
13 and copy a public record and to publish or otherwise
14 disseminate a public record or the information
15 contained in a public record.

16 **b.** Unless otherwise provided for by law, the right
17 to examine a public record shall include the right to
18 examine a public record without charge while the public
19 record is in the physical possession of the custodian
20 of the public record. ~~The~~

21 **c.** Unless otherwise provided for by law, the right
22 to copy a public record shall include the right to make
23 photographs or photographic copies while the public
24 record is in the possession of the custodian of the
25 public record. If a public record exists in electronic
26 form, the governmental body shall provide a copy of the
27 public record in electronic form, if reasonable. All
28 rights under this section are in addition to the right
29 to obtain a certified copy of a public record under
30 section 622.46.

31 Sec. _____. **NEW SECTION. 22.2A Record requests —**
32 **time limits.**

33 1. Upon receipt of an oral or written request to
34 examine or copy a public record, the lawful custodian
35 shall, if reasonable in the ordinary course of
36 business, permit such examination or copying at the
37 time of the request. If it is not reasonable in the
38 ordinary course of business to permit examination
39 or copying of the public record at the time of the
40 request, the lawful custodian shall immediately
41 notify the requester, orally or in writing, when such
42 examination or copying may take place, which shall be
43 no later than five business days from the time of the
44 request unless there is good cause for further delay.
45 If further delay is necessary because of good cause in
46 responding to a request to examine or copy a record the
47 lawful custodian knows is a public record, the lawful
48 custodian shall provide the requester with a written
49 statement detailing the reason or reasons for the delay
50 and the date by which the request will be satisfied.

1 2. If the lawful custodian is in doubt as to
2 whether the record requested is a public record or
3 whether the requester should be permitted to examine
4 or copy an optional public record specified in
5 section 22.7, the lawful custodian shall make that
6 determination within ten business days from the date of
7 the request unless further delay is necessary because
8 of good cause, which is communicated in writing to the
9 requester. Examination or copying of the government
10 record shall be allowed within five business days from
11 the date the lawful custodian makes the decision in
12 such circumstances to permit examination or copying of
13 the record unless there is good cause for further delay
14 in fulfilling the request as provided in subsection 1.

15 3. If the lawful custodian denies a request to
16 examine or copy a public record, the custodian must
17 provide the requester at the time of the denial a
18 written statement denying the request and detailing the
19 specific reason or reasons for the denial.

20 4. If the lawful custodian does not fulfill a
21 request to examine or copy a public record within the
22 times prescribed in this section, the request shall be
23 deemed denied and the requester shall be entitled to
24 file a lawsuit against the lawful custodian pursuant
25 to section 22.10.

26 Sec. _____. Section 22.3, Code 2009, is amended to
27 read as follows:

28 **22.3 Supervision — fees.**

29 1. The examination and copying of public records
30 shall be done under the supervision of the lawful
31 custodian of the records or the custodian's authorized
32 designee. The lawful custodian shall not require the
33 physical presence of a person requesting or receiving
34 a copy of a public record and shall fulfill requests
35 for a copy of a public record received in writing, by
36 telephone, or by electronic means. Fulfillment of a
37 request for a copy of a public record may be contingent
38 upon receipt of payment of expenses to be incurred
39 in fulfilling the request and such estimated expenses
40 shall be communicated to the requester upon receipt of
41 the request who shall be responsible for payment of
42 such expenses once the requester authorizes the copy
43 of the public record. The lawful custodian may adopt
44 and enforce reasonable rules regarding the examination
45 and copying of the records and the protection of
46 the records against damage or disorganization. The
47 lawful custodian shall provide a suitable place for
48 the examination and copying of the records, but if it
49 is impracticable to do the examination and copying of
50 the records in the office of the lawful custodian,

1 the person desiring to examine or copy shall pay
2 any necessary expenses of providing a place for the
3 examination and copying.

4 2. All expenses of the examination and copying
5 shall be paid by the person desiring to examine or
6 copy. The lawful custodian may charge a reasonable
7 fee for the services of the lawful custodian or the
8 custodian's authorized designee in supervising the
9 examination and copying of the records or in reviewing
10 the records for confidential information prior to
11 release. If the lawful custodian is an executive
12 branch agency, the lawful custodian shall provide
13 such services at no charge to a requestor for up to
14 three hours per month. If copy equipment is available
15 at the office of the lawful custodian of any public
16 records, the lawful custodian shall provide any person
17 a reasonable number of copies of any public record in
18 the custody of the office upon the payment of a fee.
19 The fee for the copying service as determined by the
20 lawful custodian shall not exceed the actual cost of
21 providing the service. Actual costs shall include only
22 those expenses directly attributable to supervising
23 the examination of and making and providing copies of
24 public records. Actual costs shall not include charges
25 for ordinary expenses or costs such as employment
26 benefits, depreciation, maintenance, electricity, or
27 insurance associated with the administration of the
28 office of the lawful custodian.

29 Sec. _____. Section 22.7, subsection 7, Code
30 Supplement 2009, is amended to read as follows:

31 7. Appraisals or appraisal information concerning
32 the sale or purchase of real or personal property for
33 public purposes, ~~prior to public announcement of a~~
34 ~~project~~ the execution of any contract for such sale
35 or purchase or the submission of the appraisal to the
36 property owner or other interest holders as provided
37 in section 6B.45.

38 Sec. _____. Section 22.7, subsection 8, Code
39 Supplement 2009, is amended to read as follows:

40 8. ~~Iowa department of economic development~~
41 ~~information~~ Information on an industrial or commercial
42 development prospect with which the Iowa department
43 of economic development or a city is currently
44 negotiating, prior to submission by the department or
45 the city of a proposal for financial assistance or
46 other incentives for the prospect for approval by the
47 director of the department or by the governing body of
48 the city.

49 Sec. _____. Section 22.7, subsection 10, Code
50 Supplement 2009, is amended by striking the subsection.

1 Sec. _____. Section 22.7, subsection 11, Code
2 Supplement 2009, is amended to read as follows:
3 11. a. Personal information in confidential
4 personnel records of public government bodies including
5 but not limited to cities, boards of supervisors and
6 school districts relating to identified or identifiable
7 individuals who are officials, officers, or employees
8 of the government bodies. However, the following
9 information relating to such individuals contained in
10 personnel records shall be public records:

11 (1) The name and compensation of the individual
12 including any written agreement establishing
13 compensation or any other terms of employment
14 excluding any information otherwise excludable from
15 public information pursuant to this section or any
16 other applicable provision of law. For purposes
17 of this paragraph, "compensation" means payment of,
18 or agreement to pay, any money, thing of value, or
19 financial benefit conferred in return for labor or
20 services rendered by an officer, employee, or other
21 person plus the value of benefits including but not
22 limited to casualty, disability, life, or health
23 insurance, other health or wellness benefits, vacation,
24 holiday, and sick leave, severance payments, retirement
25 benefits, and deferred compensation.

26 (2) The date the individual was employed by the
27 government body.

28 (3) The positions the individual holds or has held
29 with the government body.

30 (4) The educational institutions attended by the
31 individual, including any diplomas and degrees earned,
32 and the names of the individual's previous employers,
33 positions previously held, and dates of previous
34 employment.

35 (5) Any final disciplinary action taken against the
36 individual that resulted in the individual's discharge.

37 b. Personal information in confidential personnel
38 records of government bodies relating to student
39 employees shall only be released pursuant to 20 U.S.C.
40 § 1232g.

41 Sec. _____. Section 22.7, subsections 40, 43, and 48,
42 Code Supplement 2009, are amended to read as follows:

43 40. ~~The portion of a record request that contains~~
44 ~~an internet protocol number which identifies the~~
45 ~~computer from which a person requests a record, whether~~
46 ~~the person using such computer makes the request~~
47 ~~through the IowaAccess network or directly to a lawful~~
48 ~~custodian. However, such record may be released with~~
49 ~~the express written consent of the person requesting~~
50 ~~the record.~~

1 43. Information obtained by the commissioner of
2 insurance pursuant to section 502.607, subsection 2.

3 48. Sex offender registry records under chapter
4 692A, except shall only be released as provided in
5 section 692A.121.

6 Sec. _____. Section 22.7, subsection 52, paragraphs
7 a and c, Code Supplement 2009, are amended to read as
8 follows:

9 a. The following records relating to a charitable
10 ~~donation made to a foundation acting solely for the~~
11 ~~support of an institution governed by the state board~~
12 ~~of regents, to a foundation acting solely for the~~
13 ~~support of an institution governed by chapter 260C,~~
14 ~~to a private foundation as defined in section 509 of~~
15 ~~the Internal Revenue Code organized for the support~~
16 ~~of a government body, or to an endow Iowa qualified~~
17 ~~community foundation, as defined in section 15E.303,~~
18 ~~organized for the support of a government body:~~

19 (1) Portions of records that disclose a donor's
20 or prospective donor's personal, financial, estate
21 planning, or gift planning matters.

22 (2) Records received from a donor or prospective
23 donor regarding such donor's prospective gift or
24 pledge.

25 (3) Records containing information about a donor or
26 a prospective donor in regard to the appropriateness
27 of the solicitation and dollar amount of the gift or
28 pledge.

29 (4) Portions of records that identify a
30 prospective donor and that provide information on the
31 appropriateness of the solicitation, the form of the
32 gift or dollar amount requested by the solicitor, and
33 the name of the solicitor.

34 (5) Portions of records disclosing the identity of
35 a donor or prospective donor, including the specific
36 form of gift or pledge that could identify a donor
37 or prospective donor, directly or indirectly, when
38 such donor has requested anonymity in connection with
39 the gift or pledge. This subparagraph does not apply
40 to a gift or pledge from a publicly held business
41 corporation.

42 c. Except as provided in paragraphs "a" and "b",
43 portions of records relating to the receipt, holding,
44 and disbursement of gifts made for the benefit of
45 regents institutions and made through foundations
46 established for support of regents institutions,
47 including but not limited to written fund-raising
48 policies and documents evidencing fund-raising
49 practices, shall be subject to this chapter. Unless
50 otherwise provided, the lawful custodian of all records

1 subject to this paragraph is the regents institution to
2 be benefited by such gifts.

3 Sec. _____. Section 22.7, subsection 55, Code
4 Supplement 2009, is amended to read as follows:

5 55. An intelligence assessment and intelligence
6 data under chapter 692, ~~except~~ shall only be
7 released as provided in section 692.8A.

8 Sec. _____. Section 22.7, Code Supplement 2009, is
9 amended by adding the following new subsection:

10 NEW SUBSECTION. 65. Drafts, memoranda, or
11 notes. Drafts, memoranda, or notes in preliminary
12 form. However, such a record considered or used in
13 the final formulation, recommendation, adoption, or
14 execution of any official policy or action by a public
15 official authorized to make such decisions for the
16 governmental body shall be available for examination
17 and copying at the time the record is distributed to a
18 majority of the government body for consideration or is
19 adopted or executed as the official policy or official
20 action of a government body.

21 Sec. _____. NEW SECTION. 22.7A Social security
22 numbers in public records.

23 1. To the greatest extent feasible, a government
24 body shall not disclose a person's social security
25 number unless the disclosure is authorized by law.

26 2. A government body shall make reasonable efforts
27 to exclude social security numbers from public records,
28 as follows:

29 a. Exclude social security numbers on licenses,
30 permits, and other documents that may be readily
31 observed by the public.

32 b. Give individuals the option not to submit a
33 social security number to the government body unless
34 submission of the social security number is essential
35 to the provision of services by the government body or
36 is required by law.

37 c. Make any other efforts to prevent social
38 security numbers from being included in public records
39 and to protect such numbers from disclosure.

40 3. If a public record contains a social security
41 number, the government body shall, to the extent
42 practicable, make reasonable efforts to redact the
43 social security number prior to releasing the record
44 if such redaction does not materially affect the value
45 of the public record and is permitted by law. The
46 redaction of a social security number from a public
47 record shall not delay public access to the public
48 record except for the time required to perform the
49 actual redaction. As used in this subsection, "redact"
50 means to render the social security number unreadable

1 or truncated so that no more than the last four digits
2 of the social security number may be accessed as part
3 of the record.

4 4. A government body that solicits information
5 containing a person's social security number or that
6 is the lawful custodian of public records containing
7 social security numbers shall, if subject to chapter
8 17A, adopt rules or, if a political subdivision or
9 other public body, adopt guidelines to administer
10 the use and disclosure of social security numbers
11 consistent with this section.

12 Sec. _____. Section 22.10, subsection 3, paragraph b,
13 Code 2009, is amended to read as follows:

14 b. Shall assess the persons who participated in
15 its violation damages in the amount of not more than
16 five hundred dollars ~~nor~~ and not less than one hundred
17 dollars. However, if a member of a government body
18 knowingly participated in such a violation, damages
19 shall be in the amount of not more than two thousand
20 five hundred dollars and not less than one thousand
21 dollars. These damages shall be paid by the court
22 imposing them to the state of Iowa if the body in
23 question is a state government body, or to the local
24 government involved if the body in question is a local
25 government body. A person found to have violated this
26 chapter shall not be assessed such damages if that
27 person proves that the person either voted did any of
28 the following:

29 (1) Voted against the action violating this
30 chapter, refused to participate in the action violating
31 this chapter, or engaged in reasonable efforts under
32 the circumstances to resist or prevent the action in
33 violation of this chapter, had.

34 (2) Had good reason to believe and in good faith
35 believed facts which, if true, would have indicated
36 compliance with the requirements of this chapter, or
37 reasonably.

38 (3) Reasonably relied upon a decision of a court
39 or an, a formal opinion of the attorney general, or
40 the attorney for the governmental government body,
41 given in writing, or as memorialized in the minutes
42 of the meeting at which an oral opinion was given, or
43 an advisory opinion of the attorney general or the
44 attorney for the government body, given in writing.

45 Sec. _____. Section 22.10, subsection 5, Code 2009,
46 is amended by striking the subsection.

47 Sec. _____. Section 22.13, Code 2009, is amended to
48 read as follows:

49 **22.13 Settlements — ~~governmental~~ government bodies.**

50 1. A written summary of the terms of settlement,

1 including amounts of payments made to or through
2 a claimant, or other disposition of any claim for
3 damages made against a ~~governmental~~ government body
4 or against an employee, officer, or agent of a
5 ~~governmental~~ government body, by an insurer pursuant
6 to a contract of liability insurance issued to the
7 ~~governmental~~ government body, shall be filed with the
8 ~~governmental~~ government body and shall be a public
9 record.

10 2. A final binding settlement agreement between any
11 government body of this state or unit or official of
12 such a government body that resolves a legal dispute
13 between such a government body and another person or
14 entity shall be filed with the government body. For
15 each such settlement agreement, the government body
16 shall prepare and file, together with the settlement
17 agreement, a brief summary indicating the identity of
18 the parties involved, the factual and legal nature of
19 the dispute, and the terms of the settlement. The
20 settlement agreement and summary shall be available for
21 public inspection.

22 Sec. _____. Section 22.14, subsection 3, Code 2009,
23 is amended to read as follows:

24 3. If a fiduciary or other third party with custody
25 of public investment transactions records fails to
26 produce public records within a reasonable period of
27 time as requested by the ~~public~~ government body, the
28 ~~public~~ government body shall make no new investments
29 with or through the fiduciary or other third party
30 and shall not renew existing investments upon their
31 maturity with or through the fiduciary or other third
32 party. The fiduciary or other third party shall
33 be liable for the penalties imposed under ~~section~~
34 ~~22.6~~ statute, common law, or contract due to the acts
35 or omissions of the fiduciary or other third party and
36 ~~any other remedies available under statute, common law,~~
37 ~~or contract.~~

38 Sec. _____. NEW SECTION. 22.15 Judicial branch —
39 rules.

40 This chapter does not apply to government records
41 owned, created, possessed, or under the control of
42 the judicial branch related to the performance by the
43 courts of their judicial functions. The supreme court
44 shall prescribe rules governing access to such records
45 consistent with the purposes of this chapter.

46 Sec. _____. NEW SECTION. 23.1 Open meetings, public
47 records, and privacy advisory committee.

48 1. *Committee established.* An open meetings, public
49 records, and privacy advisory committee is established
50 to serve as a resource for public access to government

1 information in light of the policy of this state to
2 provide as much public access to government information
3 and proceedings as is consistent with the public
4 interest and the need to protect individuals against
5 undue invasions of personal privacy.

6 2. *Membership.*

7 a. The advisory committee shall consist of
8 seventeen members including twelve voting members and
9 five nonvoting members.

10 (1) The voting members shall be the following:

11 (a) One member representing municipal interests
12 recommended by the Iowa league of cities, appointed by
13 the governor.

14 (b) One member representing county or regional
15 interests recommended by the Iowa state association of
16 counties, appointed by the governor.

17 (c) One member representing educational interests
18 jointly recommended by the Iowa association of school
19 boards, the Iowa association of community college
20 trustees, and the state board of regents, appointed by
21 the governor.

22 (d) One member representing freedom of information
23 advocacy group interests recommended by the Iowa
24 freedom of information council, appointed by the
25 governor.

26 (e) One member representing newspaper interests
27 recommended by the Iowa newspaper association,
28 appointed by the governor.

29 (f) One member representing broadcasting interests
30 recommended by the Iowa broadcasters association,
31 appointed by the governor.

32 (g) Three public members, appointed by the
33 governor.

34 (h) The attorney general or the attorney general's
35 designee.

36 (i) The citizens' aide or the citizens' aide's
37 designee.

38 (j) The director of the department of cultural
39 affairs or the director's designee.

40 (2) The nonvoting members of the advisory committee
41 shall be a representative from the department of
42 administrative services with expertise in electronic
43 records, two state representatives, one appointed
44 by the speaker of the house of representatives and
45 one appointed by the minority leader of the house of
46 representatives, and two state senators, one appointed
47 by the majority leader of the senate and one appointed
48 by the minority leader of the senate.

49 b. A majority of the advisory committee members
50 shall constitute a quorum.

1 3. *Duties.* The advisory committee shall:
2 a. Serve as the central coordinator of information
3 about the public's right to access government
4 information and proceedings. The advisory committee
5 shall provide basic information about the requirements
6 of chapters 21 and 22 and other relevant freedom of
7 information laws and shall also provide information
8 about best practices for state and local governments to
9 comply with and to enforce such laws.
10 b. Serve as a resource to support the establishment
11 and maintenance of a central publicly accessible
12 internet site that provides specific guidance to
13 members of the public about utilizing the relevant law
14 to be better informed and active participants in open
15 government.
16 c. Make training opportunities available to lawful
17 custodians, government bodies, governmental bodies, and
18 other persons subject to the requirements of chapters
19 21 and 22 and require all newly employed persons who
20 have responsibilities in relation to chapters 21 and
21 22 to receive training upon initial employment and
22 to require all employees to receive annual training
23 thereafter approved by the advisory committee.
24 d. Make recommendations to the governor and the
25 general assembly by proposing legislation relating
26 to issues involving public access to meetings of a
27 governmental body and to records of a government body
28 including but not limited to the following issues:
29 (1) The categorization of government records.
30 (2) Public employment applications.
31 (3) Information unduly invading personal privacy
32 including personal information on mailing lists and
33 opt-in provisions relating to such lists.
34 (4) Serial meetings of less than a majority of a
35 governmental body.
36 (5) Definitions of what constitutes a governmental
37 body for purposes of chapter 21 and what constitutes a
38 government body for purposes of chapter 22.
39 e. Aid the general assembly in evaluating the
40 impact of legislation affecting public access to
41 government information.
42 f. Conduct public hearings, conferences, workshops,
43 and other meetings as necessary to address problems
44 and suggest solutions concerning access to government
45 information and proceedings.
46 g. Review the collection, maintenance, and use of
47 government records by lawful custodians to ensure that
48 confidential records and information are handled to
49 adequately protect personal privacy interests.
50 4. *Meetings.* The advisory committee shall elect

1 a chairperson and vice chairperson. The committee
2 shall meet at least three times per year but may meet
3 as often as necessary. At least one of the meetings
4 shall be held during the regular legislative session.
5 Meetings may be called by the chairperson or at the
6 request of four members. The advisory committee is
7 subject to the open meetings requirements of chapter
8 21.

9 5. *Expenses or compensation.*

10 a. A member of the general assembly shall be paid,
11 in accordance with section 2.10, per diem and necessary
12 travel and actual expenses incurred in attending
13 meetings of the advisory committee.

14 b. Public members appointed by the governor shall
15 receive reimbursement for actual and necessary expenses
16 incurred while serving in their official capacity.

17 6. *Funding.* The advisory committee may seek
18 grants, appropriations, and outside funding to fund the
19 costs of public hearings, conferences, workshops, and
20 other activities of the committee. Contributions to
21 support the work of the committee shall not be accepted
22 from a political party with a pecuniary or other vested
23 interest in the outcome of the issues considered by the
24 committee.

25 7. *Staffing.* The legislative services agency shall
26 provide staffing and administrative support for the
27 advisory committee. In addition, the committee may
28 contract for administrative, professional, and clerical
29 services subject to the availability of funding.

30 8. *Report.* The advisory committee shall conduct
31 an evaluation of the effectiveness of the enforcement
32 provisions in chapters 21 and 22, including an
33 evaluation of the manner in which complaints are
34 handled by the citizens' aide, the appropriate county
35 attorney, and the attorney general, and shall submit a
36 report of its findings and recommendations including
37 a recommendation relating to the need to establish
38 a separate enforcement agency, if necessary, to the
39 governor and the general assembly no later than January
40 9, 2012.

41 Sec. _____. Section 455K.4, subsection 4, Code 2009,
42 is amended to read as follows:

43 4. Information that is disclosed under subsection
44 2, paragraph "b", is confidential and is not subject
45 to disclosure under chapter 22. ~~A governmental~~
46 ~~entity, governmental employee, or governmental~~
47 ~~official who discloses information in violation of~~
48 ~~this subsection is subject to the penalty provided in~~
49 ~~section 22.6.~~

50 Sec. _____. Section 22.6, Code 2009, is repealed.

1 Sec. ____ . APPOINTMENTS TO OPEN MEETINGS, PUBLIC
2 RECORDS, AND PRIVACY ADVISORY COMMITTEE. The
3 recommending entities for appointments to the open
4 meetings, public records, and privacy advisory
5 committee established in section 23.1, as enacted
6 by this division of this Act, shall consult with one
7 another prior to submitting final recommendations to
8 the governor to avoid violations of sections 69.16 and
9 69.16A.>>

LENSING of Johnson

MASCHER of Johnson

KOESTER of Polk

STRUYK of Pottawattamie

PETTENGILL of Benton